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EXAMINER	
HUFFMAN, BRIAN GEORGE	
ART UNIT	PAPER NUMBER
3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,836	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	Brian G. Huffman	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-31 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 01/22/2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 01/22/2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds the 150-word length requirement.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 2-3 and 21 are objected to because of the following informalities:

Re claim 2: "a second position." in line 4 should be changed to -- the second position. --.

Re claim 3: "a second position" in line 4 should be changed to -- the second position. --.

Re claim 21: "a second position" in line 4 should be changed to -- the second position. --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5-10, and 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cregan et al. (US 2005/0054420) in view of Crawford et al. (US 6,270,412).

Re claim 1: Cregan discloses a gaming method wherein an array of symbols is displayed and an award is granted based on the displayed array of symbols, the method comprising: displaying in a first game an array (54a-e, 52a-d as depicted in Fig. 3A) of randomly selected symbols (102, Fig. 3A) by a gaming machine (10, Fig. 3A; Para. [0028]) (Para. [0065]), the array including at least one special symbol (102a-d, Fig. 3A) in a first position (100a-d, Fig. 3A) in the array (Para. [0067]); shifting a position of the at least one special symbol in the array from the first position to a second position (Para. [0068]); displaying an array of randomly selected symbols by the gaming machine, the array including the at least one special symbol in the second position in the array (as depicted in Fig. 3B); and granting any award to the player based upon the symbols displayed in the second array including the at least one special symbol (Para. [0069]-[0070]).

However, Cregan fails to disclose that method includes receiving signals from a player initiating a second game; displaying *in the second game* an array of randomly selected symbols by the gaming machine, the array including the at least one special symbol in the second position in the array; and granting any award to the player for *the second game* based upon the symbols displayed *in the second game* including the at least one special symbol.

Crawford teaches a gaming method with a symbol save feature, the method comprising receiving signals from a player initiating a second game (9, Fig. 4; Col. 4, lines 18-19), displaying in the second game an array of randomly selected symbols by the gaming machine (10-12, Fig. 4; Col. 4, lines 23-25) and then providing an award to the player for the second game based upon the symbols displayed in the second game including the at least one special symbol (13, Fig. 4; Col. 4, lines 26-34).

Cregan and Crawford are considered to be analogous art because both inventions are related to the same field of endeavor of gaming machines.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan with the second game and associated award features of Crawford in order to provide more player appeal for the machine by allowing the player additional possibilities for winning (Crawford, Col. 1, lines 65-67). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claims 1 and 2-3, 5-7, 9 and 12-17 as follow.

Cregan further discloses the following:

Re claim 2: shifting a position of the at least one special symbol in the array from the first position to a second position comprises randomly shifting a position of the at least one special symbol in the array from the first position to a second position (Para. [0068]).

Re claim 3: shifting a position of the at least one special symbol in the array from the first position to a second position comprises shifting a position of the at least one special symbol in the array in a predetermined manner from the first position to a second position (Para. [0068]).

Re claim 5: displaying in a first game an array of randomly selected symbols by a gaming machine comprises displaying in a first game an array of randomly selected symbols by a gaming machine appearing on a plurality of virtual reel strips, wherein the at least one special symbol is not in a fixed position on a virtual reel strip (Para. [0047]).

Re claim 6: displaying in a first game an array of randomly selected symbols by a gaming machine comprises selecting the at least one special symbol to appear in the array based on a non-random event (Para. [0058]).

Re claim 7: displaying in a first game an array of randomly selected symbols by a gaming machine comprises displaying in a first game an array of randomly selected symbols on a first screen by a gaming machine, and wherein displaying in the second game an array of randomly selected symbols by the gaming machine comprises displaying in the second game an array of randomly selected symbols on a second screen by the gaming machine (Fig. 1B, Para. [0034]). Cregan states that any suitable secondary game associated with the primary game and/or information relating to the primary or secondary game may be displayed on the upper display (18), and as such is considered to be capable of displaying the first array on a first screen and the second array on a second screen.

Re claim 9: the at least one special symbol comprises a plurality of special symbols (102a-d, Fig. 3A; Para. [0067]).

Re claims 12-15: It is well known in the art to use symbols having a wild card function, a high value symbol, a multiplier function or a bonus game triggering function, and as such these are considered to be obvious modifications of the invention as taught by Cregan in view of Crawford.

Re claim 16: that the array of symbols is a 5x3 array (as depicted in Fig. 1A and 1B).

Re claim 17: granting an award comprises granting an award based on combinations of symbols across one or more pay lines (Para. [0047]).

Re claim 8: Cregan further discloses shifting a position of the at least one special symbol in the array and granting an award to the player based upon the symbols displayed in the one or more additional arrays including the at least one special symbol (Para. [0068]-[0072]).
However, Cregan fails to disclose that the method further comprises: after *the second game*, displaying an array of randomly selected symbols by the gaming machine for *one or more additional games*; shifting a position of the at least one special symbol in the array after each *game*; and granting an award to the player based upon the symbols displayed in the *one or more additional games* including the at least one special symbol.
Crawford teaches a method that further comprises: after the second game, displaying an array of randomly selected symbols by the gaming machine for one or more additional games (10-12, Fig. 4; Col. 4, lines 23-25); and granting an award to the player based upon the symbols displayed in the one or more additional games including the at least one special symbol (13, Fig. 4; Col. 4, lines 26-34). As depicted in Fig. 4, Crawford teaches that the process may be repeated continually to play additional games.

Cregan and Crawford are considered to be analogous art as provided above.
Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan and Crawford with additional games of Crawford in order to provide increased excitement and enjoyment to the player (Cregan, Para. [0014]). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claim 8.

Re claim 10: However, Cregan fails to disclose terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols.
Crawford teaches terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols (15, Fig. 4; Col. 4, lines 43-45).

Cregan and Crawford are considered to be analogous art as provided above.
Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan and Crawford with the symbol terminating step of Crawford in order to provide increased excitement and enjoyment to the player (Cregan, Para. [0014]). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claim 10.

Re claim 18: Cregan fails to disclose that the second game generates a new special symbol that is shifted in position along with the at least one special symbol in one or more additional games. Crawford teaches that new special symbols may be added in the second game to be used in the one or more additional games (as depicted in Fig. 4; Col. 4, lines 46-48).

Re claim 19: Cregan fails to disclose that new special symbols are generated in one or more additional games and are randomly shifted in position during subsequent games.
Crawford teaches that new special symbols may be added in the second game to be used in the play of subsequent games (as depicted in Fig. 4; Col. 4, lines 46-48).

Cregan and Crawford are considered to be analogous art as provided above.
Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan as modified by Crawford with the symbol adding step of Crawford in order to increase the player's enjoyment and to allow the player additional possibilities for winning (Crawford, Col. 1, lines 65-67). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claims 18-19.

Re claim 20: Cregan discloses a gaming device comprising: a display area (16, Fig. 1B) for displaying a game, the game displaying an array of symbols (54a-e, 52a-d as depicted in Fig. 3A), certain combinations of symbols across at least one pay line (52a-d, Fig. 3A) determining an

award to a player (Para. [0047]); and at least one processor (12, Fig. 2A) for carrying out the following method: displaying in a first game an array of randomly selected symbols (102, Fig. 3A) by a gaming machine (10, Fig. 3A, Para. [0028]) (Para. [0065]), the array including at least one special symbol (102a-d, Fig. 3A) in a first position (100a-d, Fig. 3A) in the array (Para. [0067]); shifting a position of the at least one special symbol in the array from the first position to a second position (Para. [0068]); displaying an array of randomly selected symbols by the gaming machine, the array including the at least one special symbol in the second position in the array (as depicted in Fig. 3B); and granting any award to the player based upon the symbols displayed in the second array including the at least one special symbol (Para. [0069]-[0070]).

However, Cregan fails to disclose that processor carries out the method steps of receiving signals from a player initiating a second game; displaying *in the second game* an array of randomly selected symbols by the gaming machine, the array including the at least one special symbol in the second position in the array; and granting any award to the player for *the second game* based upon the symbols displayed *in the second game* including the at least one special symbol.

Crawford teaches a gaming method with a symbol save feature, the method including steps receiving signals from a player initiating a second game (9, Fig. 4; Col. 4, lines 18-19), displaying in the second game an array of randomly selected symbols by the gaming machine (10-12, Fig. 4; Col. 4, lines 23-25) and then providing an award to the player for the second game based upon the symbols displayed in the second game including the at least one special symbol (13, Fig. 4; Col. 4, lines 26-34).

Cregan and Crawford are considered to be analogous art as discussed above.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming device of Cregan as modified by Crawford with the second game and associated award features of Crawford in order to provide more player appeal for the machine by allowing the player additional possibilities for winning (Crawford, Col. 1, lines

65-67). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claims 20, and 21-23 and 25-31 as follow.

Cregan further discloses the following:

Re claim 21: shifting a position of the at least one special symbol in the array from the first position to a second position comprises randomly shifting a position of the at least one special symbol in the array from the first position to a second position (Para. [0068]).

Re claim 22: shifting a position of the at least one special symbol in the array from the first position to a second position comprises randomly shifting a position of the at least one special symbol in the array from the first position to a second position (Para. [0068]).

Re claim 23: the at least one special symbol comprises a plurality of special symbols (102a-d, Fig. 3A; Para. [0067]).

Re claims 25-28: It is well known in the art to use symbols having a wild card function, a high value symbol, a multiplier function or a bonus game triggering function, and as such these are considered to be obvious modifications of the invention as taught by Cregan in view of Crawford.

Re claim 29: that the array of symbols is a 5x3 array (as depicted in Fig. 1A and 1B).

Re claim 30: granting an award comprises granting an award based on combinations of symbols across one or more pay lines (Para. [0047]).

Re claim 31: the at least one special symbol is selected at random to be included in the array (Para. [0065]-[0066]).

Re claim 24: However, Cregan fails to disclose terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols. Crawford teaches terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols (15, Fig. 4; Col. 4, lines 43-45).

Cregan and Crawford are considered to be analogous art as provided above. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan as modified by Crawford with the symbol terminating step of Crawford in order to provide increased excitement and enjoyment to the player (Cregan, Para. [0014]). Thus it would have been obvious to combine Cregan with Crawford to obtain the invention as specified in claim 24.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cregan as modified by Crawford and further in view of Fong et al. (US 6,676,512). The teachings of Cregan and Crawford have been discussed above.

Re claim 4: Cregan further discloses that displaying in a first game an array of randomly selected symbols by a gaming machine comprises displaying in a first game an array of randomly selected symbols by a gaming machine appearing on a plurality of virtual reel strips (Para. [0047]). However, Cregan as modified by Crawford fails to disclose that the at least one special symbol being on at least one reel strip in a fixed position relative to other symbols on the reel strip. Fong teaches a reel strip (50, Fig. 3) with special symbols (SCATTER, WILD, SYMBA, SYMBB as depicted in Fig. 3) being in a fixed position relative to other symbols on the reel strip (Col. 3, lines 50-57).

Cregan as modified by Crawford and Fong are considered to be analogous art because both inventions are related to the same field of endeavor of gaming machines.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan as modified by Crawford with the reel strip arrangement of Fong in order to prevent even a person who has memorized every reel stop position from determining which symbol will appear next (Fong, Col. 3, lines 53-57). Thus it would have been obvious to combine Cregan as modified by Crawford with Fong to obtain the invention as specified in claim 4.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cregan as modified by Crawford and further in view of Barrie (US 5,833,537). The teachings of Cregan and Crawford have been discussed above.

Re claim 11: However, Cregan in view of Crawford fails to disclose terminating the use of the at least one special symbol after a predetermined number of games.

Barrie teaches a method for removing a symbol from play after a predetermined number of rounds of a game (Col. 5, lines 3-8).

Cregan as modified by Crawford and Barrie are considered to be analogous art because all three are from the same field of endeavor of slot-type gaming machines.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the gaming method of Cregan as modified by Crawford with the symbol terminating step after a predetermined number of games of Barrie in order to increase the revenues of the casino or game operator (Barrie, Col. 1, lines 45-50). Thus it would have been obvious to combine Cregan as modified by Crawford with Barrie to obtain the invention as specified in claim 11.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White et al. (US 6,855,054) discloses gaming methods and apparatus using interchangeable symbols. Visocnik (US 2004/0048646) discloses an electronic gaming device and method with moving bonus symbols and free games.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian G. Huffman whose telephone number is (571) 270-1348. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BGH

KIM NGUYEN
PRIMARY EXAMINER